

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TARGUS INTERNATIONAL LLC,

Plaintiff,

v.

VICTORINOX SWISS ARMY, INC.,

Defendant.

Civil Action No. 20-464-RGA

DEFENDANT’S SUBMISSION OF SUBSEQUENT AUTHORITY

Pursuant to D. Del. L.R. 7.1.2(b), Defendant respectfully submits the attached decision from *Targus Int’l LLC v. Everki USA, Inc.*, No. 8-20-cv-00641, slip op. (C.D. Cal. Nov. 3, 2020) (docketed as ECF No. 36) (Ex. A hereto). In that decision, the district court denied plaintiff Targus’s motion to strike defendant Everki USA’s inequitable conduct defense, concluding that “the Court finds that Everki has sufficiently alleged that the applicants withheld information from the PTO with specific intent to deceive it, and that the omission was material to the ’578 Patent’s approval.” *Targus Int’l LLC v. Everki USA*, slip op. at 9. Everki’s inequitable conduct defense, like defendant Victorinox’s inequitable conduct defense in the instant case, is based on allegations that the ’578 patent applicants failed to disclose the TSA RFI with intent to deceive the Patent Office. *See id.* at 2-9; Ex. B hereto (Everki’s Answer) at 6-13. The attached decision is relevant to Targus’s motion to strike Victorinox’s inequitable conduct defense and counterclaim (D.I. 16), which is *sub judice*.

Respectfully Submitted,

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